

To: Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Holsman, Marianne[Holsman.Marianne@epa.gov]
From: Grantham, Nancy
Sent: Fri 5/12/2017 9:02:51 PM
Subject: RE: BNA reporter query RE: EPA and Pebble Limited Partnership Reach Settlement Agreement

We sent this response ..thanks ng

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

202-253-7056 (mobile)

From: Skadowski, Suzanne
Sent: Friday, May 12, 2017 3:09 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Press <Press@epa.gov>; regionalpress <regionalpress@epa.gov>
Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>
Subject: BNA reporter query RE: EPA and Pebble Limited Partnership Reach Settlement Agreement
Importance: High

Proposed responses:

The settlement terms allow EPA to use the Bristol Bay Watershed Assessment for any purpose. If Pebble submits a Clean Water Act 404 permit application to the U.S. Army Corps of Engineers, EPA would perform its typical role as reviewer under NEPA and would use the Bristol Bay Watershed Assessment as well as other current science and information to inform our comments during the NEPA EIS process. EPA could also use the Bristol Bay Watershed Assessment in the Section 404(c) review process.

The settlement provides Pebble an opportunity to apply for a Clean Water Act permit from the

U.S. Army Corps of Engineers before EPA may move forward with its CWA process to specify limits on the mine. The settlement does not guarantee or prejudge any particular outcome to this process. We cannot speculate on the permitting process, timeframe or outcome.

Suzanne Skadowski

Public Affairs Specialist

U.S. Environmental Protection Agency

Region 10 Pacific Northwest | Seattle

Desk: 206-553-2160 Cell: 206-900-3309

From: Holsman, Marianne

Sent: Friday, May 12, 2017 9:46 AM

To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>

Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>

Subject: FW: EPA and Pebble Limited Partnership Reach Settlement Agreement

Here's the BNA reporter query.

Marianne

Follow us!



From: Grantham, Nancy

Sent: Friday, May 12, 2017 8:14 AM

To: Holsman, Marianne <Holsman.Marianne@epa.gov>

Subject: FW: EPA and Pebble Limited Partnership Reach Settlement Agreement

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

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From: Jones, Enesta

Sent: Friday, May 12, 2017 11:02 AM

To: ASaiyid@bna.com

Cc: Press <Press@epa.gov>

Subject: FW: EPA and Pebble Limited Partnership Reach Settlement Agreement

Hi Amena,

Please reach out to Wyn Hornbuckle (Wyn.Hornbuckle@usdoj.gov) with the Department of Justice re: the settlement.

Enesta Jones

U.S. EPA

Office of Media Relations

Office: 202.564.7873

Cell: 202.236.2426

“The root of all joy is gratefulness.”

From: Saiyid, Amena <ASaiyid@bna.com>
Sent: Friday, May 12, 2017 10:57 AM
To: Milbourn, Cathy
Subject: RE: EPA and Pebble Limited Partnership Reach Settlement Agreement

Cathy,

- May I get a copy of the settlement please? Also, what does this mean in practical terms, “EPA may use its scientific assessment regarding the Bristol Bay Watershed without limitation.”
- How long does it take to obtain a permit. And does this settlement mean the mine will be constructed and be operational?

Appreciate responses to these questions.

Amena

From: Cathy Milbourn [<mailto:milbourn.cathy@epa.gov>]
Sent: Friday, May 12, 2017 8:12 AM
To: Saiyid, Amena <ASaiyid@bna.com>
Subject: EPA and Pebble Limited Partnership Reach Settlement Agreement

CONTACT:
press@epa.gov

FOR IMMEDIATE RELEASE
May 12, 2017

EPA and Pebble Limited Partnership Reach Settlement

Agreement

EPA Agrees to Allow Permit Process to Proceed; Pebble Agrees to Drop Lawsuits

WASHINGTON --The U.S. Environmental Protection Agency entered into a settlement agreement with the Pebble Limited Partnership to resolve litigation from 2014 relating to EPA's prior work in the Bristol Bay watershed in Alaska. The settlement provides the Pebble Limited Partnership (Pebble) an opportunity to apply for a Clean Water Act (CWA) permit from the U.S. Army Corps of Engineers before EPA may move forward with its CWA process to specify limits on the disposal of certain material in connection with the potential "Pebble Mine."

"We are committed to due process and the rule of law, and regulations that are 'regular'," said EPA Administrator Scott Pruitt. "We understand how much the community cares about this issue, with passionate advocates on all sides. The agreement will not guarantee or prejudice a particular outcome, but will provide Pebble a fair process for their permit application and help steer EPA away from costly and time-consuming litigation. We are committed to listening to all voices as this process unfolds."

Key Terms of the Settlement:

- Pebble and the U.S. Department of Justice (on behalf of the EPA) will ask the U.S. District Court for the District of Alaska to dismiss the cases with prejudice and to lift the court-ordered preliminary injunction.
- EPA agrees to commence a process to propose to withdraw the currently pending proposed determination, consistent with its regulations.
- EPA agrees that it will not move to the next step in its CWA process, which would be to issue a recommended determination (determination steps are: proposed, recommended, final), until 48 months from settlement or until the U.S. Army Corps of Engineers issues its final environmental impact statement, whichever comes first. To take advantage of this period of forbearance, Pebble would have to file its permit application within 30 months.
- Pebble will drop its lawsuits and requests for fees against EPA, and agree to file no new Freedom of Information Act (FOIA) requests during the pendency of the "forbearance" period.
- EPA may use its scientific assessment regarding the Bristol Bay Watershed without limitation.

Background:

In 2014, under the previous administration, EPA's Region 10 completed a multi-year watershed assessment in Bristol Bay, and then issued a CWA Section 404(c) proposed determination, which described restrictions on large-scale mining in the watershed. Section 404 is the part of the CWA that governs the permit evaluation process for actions that discharge dredged or fill material into a covered water.

The May 11, 2017 settlement does not guarantee or prejudice any particular outcome to this process, but does ensure that the process will be carried out in a fair, transparent, deliberate, and regular way.

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